

**Notice of Allowability**

Application No.

09/872,038

Examiner

Tri H. Phan

Applicant(s)

JACQUES ET AL.

Art Unit

2661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-10, and 12-14 (Now renumbered as 1-12).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20051026.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**BRIAN NGUYEN**  
**PRIMARY EXAMINER**

10/29/05

## DETAILED ACTION

### *Response to Amendment/Arguments*

1. This Office Action is in response to the Response/Amendment filed on June 27<sup>th</sup>, 2005. Claims 4 and 11 are now canceled. Claims 1-3, 5-10, and 12-14 are now pending in the application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Anthony L. Venezia (Reg# 48,382) on October 26<sup>th</sup>, 2005.

The application has been amended as follows:

#### IN THE CLAIM:

The following change to the claim(s) 1, 3, 5-8, 10, and 12-14 has been approved by the examiner and agreed upon by applicant:

For claim 1, line 9, substitute the word "**the**" right in front of the term "received signal" to -- **a** --.

For claim 1, line 19, substitute the word "**a**" right in front of the term "subsequent time frame" to -- **the** --.

For claim 3, line 3, substitute the word "**said**" right in front of the term "initial gain" to -- **a** --.

For claim 3, line 6, delete the word "**control**" right in front of the word "level".

For claim 3, line 6, substitute the word "**a**" right in front of the term "corresponding time slot" to -- **the** --.

For claim 3, line 7, substitute the word "**a**" right in front of the term "subsequent time frame" to -- **the** --.

For claim 5, line 8, substitute the word "**a**" right in front of the term "corresponding time slot" to -- **the** --.

For claim 5, line 8, substitute the word "**a**" right in front of the term "subsequent time frame" to -- **the** --.

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For claim 6, line 6, substitute the word “a” right in front of the term “corresponding time slot” to -- **the** --.

For claim 6, line 6, substitute the word “a” right in front of the term “subsequent time frame” to -- **the** --.

For claim 7, line 1, substitute the status of the claim “original” to -- currently amended --.

For claim 8, line 6, substitute the word “a” right in front of the term “corresponding time slot” to -- **the** --.

For claim 8, line 6, substitute the word “a” right in front of the term “subsequent time frame” to -- **the** --.

For claim 10, line 9, substitute the word “**the**” right in front of the term “received signal” to -- **a** --.

For claim 10, line 6, substitute the word “a” right in front of the term “subsequent time frame” to -- **the** --.

For claim 12, line 8, substitute the word “a” right in front of the term “corresponding time slot” to -- **the** --.

For claim 12, line 8, substitute the word “a” right in front of the term “subsequent time frame” to -- **the** --.

For claim 13, line 6, substitute the word “a” right in front of the term “corresponding time slot” to -- **the** --.

For claim 13, line 6, substitute the word “a” right in front of the term “subsequent time frame” to -- **the** --.

For claim 14, line 6, substitute the word “a” right in front of the term “corresponding time slot” to -- **the** --.

For claim 14, line 6, substitute the word “a” right in front of the term “subsequent time frame” to -- **the** --.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

**Any response to this action should be mailed to:**

**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan  
October 27, 2005



**BRIAN NGUYEN**  
**PRIMARY EXAMINER**